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December 11, 2003

Ms. Deborah Taylor Tate, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243

DOCKET NO.

03-00633

***Re: Tennessee Coalition of Rural Incumbent Telephone Companies And  
Cooperatives Request for Suspension of Wireline To Wireless Number  
Portability Obligations Pursuant to Section 251(f)(2) of the Communications  
Act of 1934, as Amended***

Dear Chairman Tate:

Enclosed for filing are the original and thirteen (13) copies of the Petition for Suspension for the Tennessee Coalition of Rural Incumbent Telephone Companies And Cooperatives Request for Suspension of Wireline To Wireless Number Portability Obligations Pursuant to Section 251(f)(2) of the Communications Act of 1934 for filing in the above-styled matter.

Should you have any questions with respect to this filing, please do not hesitate to contact me at the telephone number listed above.

Best regards.

Very truly yours,



R. Dale Grimes

RDG/smb  
Enclosures

cc: J. Richard Collier, Esq. (Via Hand Delivery)  
Timothy C. Phillips, Esq. (Via Hand Delivery)

**Before the  
TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee**

In the Matter of

Tennessee Coalition of Rural  
Incumbent Telephone Companies  
And Cooperatives  
Request for Suspension of Wireline to  
To Wireless Number Portability Obligations  
Pursuant to Section 251(f)(2) of the  
Communications Act of 1934, as Amended

Case No. \_\_\_\_\_

**PETITION FOR SUSPENSION**

Pursuant to Section 251(f)(2) of the Communications Act of 1934, as amended (the "Act"), the Tennessee Coalition of Incumbent Rural Telephone Companies and Cooperatives (individually "Petitioner" or "Independent" and collectively "Petitioners" or "Independents"),<sup>1</sup> by counsel, hereby respectfully request that the Tennessee Regulatory Authority ("TRA") suspend the requirement otherwise imposed on each Company to deploy number portability. The immediate and urgent need for suspension has been exacerbated by the recent issuance on November 10, 2003, of an Order by the Federal Communications Commission ("FCC") addressing generally applicable requirements for wireline-to-wireless portability ("intermodal portability"), establishing a November 24, 2003 deadline for support of number portability in the top 100 Metropolitan Statistical Areas ("MSAs"), and a May 24, 2004 deadline in all other areas.<sup>2</sup> The TRA's prompt action to suspend these obligations is both appropriate and necessary to safeguard the public interest.

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<sup>1</sup> Attachment A sets forth the names of each Independent.

<sup>2</sup> See *In the Matter of Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues Memorandum, Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, rel. Nov. 10, 2003 ("FCC Intermodal Order" or "Order").

The provision of number portability in the areas served by the Petitioners will have significant adverse economic impact on telecommunications users in the areas served by the Independents; the imposition of this requirement is economically burdensome; and the implementation of number portability as required by the *FCC Intermodal Order* is not technically feasible. Accordingly, the grant of the requested suspension will be consistent with the public interest, convenience and necessity.

**I. The Act Properly Designates the TRA as the Appropriate Decision-Making Body to Determine Whether Number Portability or Any Other Section 251(b) or (c) Interconnection Requirement is Consistent with the Public Interest in the Areas Served by the Independents.**

In Section 251(f)(2) of the Act, Congress recognized that it is appropriate to vest in the TRA the right to suspend and modify the interconnection obligations of the Petitioners set forth in Section 251(b), including the requirement to support number portability. Congress fully understood that the implementation of many of the Section 251 interconnection requirements, including number portability, may not be technically feasible, economically rational, or in the *overall public interest* in areas of the nation such as those served by the Independents and other smaller carriers.<sup>3</sup> Congress' incorporation of the Section 251(f)(2) suspension mechanism reflects the general understanding that the State Commissions are the appropriate authority to make this determination in their own respective State. The Act establishes a very specific framework for the consideration of a request for suspension of a Section 251 interconnection obligation. The TRA is vested with the authority to suspend or modify the interconnection

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<sup>3</sup> Each Petitioner meets the threshold criteria: "A local exchange carrier with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a state commission for a suspension or modification." 47 U.S.C. §251(f)(2). As of December 2002, approximately 188 million local telephone lines were in service nationwide. See "Federal Communications Commission Releases Study on Telephone Trends," FCC News Release (rel. Aug. 7, 2003). Accordingly, local exchange carriers ("LECs") serving fewer than 3,760,000 million access lines qualify for suspension considerations pursuant to the Act. Each Independent serves far fewer than this number of customer lines.

obligations found in Section 251(b) of the Act for LECs "with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide" if the TRA determines that such suspension or modification:

- (A) is necessary –
  - (i) to avoid a significant adverse economic impact on users of telecommunications services generally;
  - (ii) to avoid imposing a requirement that is unduly economically burdensome;or
  - (iii) to avoid imposing a requirement that is technically infeasible; and
- (B) is consistent with the public interest, convenience, and necessity.<sup>4</sup>

Congress fully understood that the implementation of many of the Section 251 interconnection requirements, including number portability, may not be technically feasible, economically rational, or in the *overall public interest*. The Section 251(f)(2) mechanism ensures that State Commissions have the opportunity to determine whether number portability, or any other Section 251(b) requirement, is appropriate in areas of the nation served by the Independents.

The *FCC Intermodal Order* does not preempt the TRA's right and obligation to protect the *overall public interest* of the telecommunications users served by the Independents.<sup>5</sup> In fact, the FCC has previously recognized its anticipation that the service areas of small carriers, like the Petitioners, would be subject to Section 251(f)(2) suspensions pursuant to the consideration by State Commissions. As set forth herein, the Petitioners are concerned that number portability

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<sup>4</sup> 47 U.S.C. §251(f)(2).

<sup>5</sup> Petitioners note that the FCC did purport to preempt the jurisdiction of the TRA and other state Commissions with respect to state Commission oversight of interconnection agreements in the limited context of intermodal porting. See *FCC Intermodal Order* at para. 37. The assertion of preemption will undoubtedly become the subject of petitions for reconsideration and judicial review. The asserted preemption, however, did not extend to the TRA's rights to protect the public interest pursuant to Section 251(f)(2).

should not be implemented in their respective service areas in a manner that will harm the overall public interest. In response to similar concerns, the FCC has cited Section 251(f)(2) and noted that if State commissions exercise their authority to suspend, "eligible LECs will have sufficient time to obtain any appropriate Section 251(f)(2) relief as provided by the statute."<sup>6</sup>

Accordingly, the Petitioners request that the TRA suspend the requirement to provide number portability in their service areas and further urge the TRA, for the reasons demonstrated below, to suspend enforcement of the number portability requirement while the TRA considers the Petition in full.<sup>7</sup>

**II. Immediate Suspension of the Enforcement of Number Portability Requirements with Respect to the Petitioners is Both Justified and in the Public Interest. The Compliance Deadlines Established by the FCC Intermodal Order are not Consistent with the Operations and Characteristics of the Petitioners.**

The FCC Intermodal Order requires wireline carriers operating within the top 100 MSAs to support wireline-to-wireless porting by November 24, 2003.<sup>8</sup> Unfortunately, the directions of the FCC Order raise concerns for each of the Petitioners regarding the application of the deadlines to their operations and the technical infeasibility of compliance. Accordingly, the Petitioners respectfully urge the TRA to suspend enforcement of the number portability requirements pending consideration of the Petition.

The language of the *Order* suggests that the FCC's intent may actually have been to provide the Petitioners with a "transition period" to "help ensure a smooth transition" in the deployment of number portability in their service areas:

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<sup>6</sup> *In the Matter of Telephone Number Portability, First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236 (1997) ("Number Portability Reconsideration") at 7302-03 (1997)

<sup>7</sup> 47 U.S.C. §251(f)(2). Suspension of enforcement is anticipated by the Act pending TRA action on the Petition. The TRA may "suspend enforcement of the requirement or requirements to which the petition applies with respect to the petitioning carrier or carriers." *Id.*

<sup>8</sup> *Order* at para. 29.

(F)or wireline carriers operating in areas outside of the 100 largest MSAs, we hereby waive, until May 24, 2004, the requirement that these carriers port numbers to wireless carriers that do not have a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned. We find that this transition period will help ensure a smooth transition for carriers operating outside of the 100 largest MSAs and provide them with sufficient time to make necessary modifications to their systems.<sup>9</sup>

Unfortunately, the realization of the intent expressed by the FCC to provide a transition cannot be achieved. The conflicting language in the *FCC Intermodal Order* clearly does not contemplate the operational factual realities and network characteristics of the Independents and other smaller carriers throughout the nation.

Unlike the larger LECs that are the predominant service providers in the top 100 MSAs, the Independents have not generally been required under the FCC's existing rules to deploy number porting capability. Given the language cited above reflecting the FCC's intent to provide a "transition period" for carriers operating outside of the top 100 MSAs, it is likely that the FCC may have assumed that the carriers providing service in the top 100 MSAs have already deployed the hardware and software necessary to support number porting. With the development of CLEC competition in urban areas, the FCC may have expected that *bona fide* requests and the resulting deployment of number portability in the switches of the large carriers that predominantly serve these markets has already taken place.<sup>10</sup>

These circumstances, however, are not the circumstances applicable to the Independents. In general, the service areas served by the Petitioners (operations both inside and outside of the top 100 MSAs) have not been subjected to requests for number portability from Competitive Local Exchange Carriers ("CLECs"). Accordingly, and consistent with the FCC's Rules and

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<sup>9</sup> *Id.*

<sup>10</sup> Under the FCC's existing rules, service provider portability at the same location has been available upon request since December 31, 1998. 47 C.F.R. §52.23.

Regulations, the Independents have not generally deployed the hardware and software in their switches to support number portability in their operations either inside or outside of the top 100 MSAs.

Irrespective of the questions that arise from the *FCC Intermodal Order* with respect to whether the Independents are included among those carriers directed to support intermodal portability by November 24, 2003,<sup>11</sup> the two week notice is an unquestionably inadequate period within which to deploy wireline to wireless number porting capability in switches that have not previously been upgraded to support portability.<sup>12</sup> The FCC's existing rules, in fact, provide for a six month period to deploy hardware or switch changes from the time of receipt of a legitimate request for portability.<sup>13</sup> Prior to November 10, 2003, and the release of the *FCC Intermodal Order*, no person or entity could maintain with certainty that a request for intermodal portability, as described in the *Order*, could possibly be *bona fide*. In fact, the FCC itself in announcing the issuance of the *Order* stated in its November 12, 2003 Daily Digest, "FCC CLEARs WAY FOR LOCAL NUMBER PORTABILITY BETWEEN WIRELINE AND WIRELESS CARRIERS."

The existence of uncertainty, confusion and the need for clarification was well known and understood by all parties and the FCC. Under these circumstances, and irrespective of the

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<sup>11</sup> The concerns of the Petitioners are not limited to those instances where a Petitioner serves a portion of a top 100 MSA. The language of paragraph 29 of the *Order* unfortunately lends itself to ambiguity and resulting controversies. The Petitioners will provide testimony addressing examples of these concerns in pre-filed testimony or comments submitted in accordance with the procedural schedule established in this proceeding. By way of example, the Petitioners note that in addition to supporting intermodal portability in the top 100 MSAs, the *Order* requires support for portability in areas where the wireless carrier has "a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned." These words raise additional ambiguities and uncertainties. Issues exist within pending proceedings at the FCC with respect to what constitutes a "point of interconnection" when a wireless carrier elects to utilize indirect interconnection to the network of an Independent. Similarly, questions regarding what legitimately constitutes a numbering resource in a rate center are also pending. In total, the ambiguity and unresolved issues further support the grant of the requested suspension.

<sup>12</sup> Even assuming that such porting capability has been deployed within a switch by a Company, issues regarding the technical feasibility of implementing the FCC's intermodal porting directives still exist. See Section III, pp 10-11, and Section IV, *infra*.

<sup>13</sup> 47 C.F.R. §52.23.

ultimate outcome of this Petition, no Independent should be subjected to a requirement to support intermodal number portability prior to May 24, 2003, the date established by the FCC clearly intended to apply to the smaller carriers. Accordingly, the Petitioners request that the TRA suspend enforcement of intermodal number portability requirements while it resolves the issues raised in this proceeding.

**III. Provision of Intermodal Number Portability by the Petitioners is Unduly Economically Burdensome and will Result in Significant Economic Harm to Users of Telecommunications Services.**

In the absence of suspension of the *FCC Intermodal Order* requirements on the Petitioners, the implementation of local number portability will be unduly economically burdensome on the Independents and, ultimately, on the telecommunications users they serve.<sup>14</sup> In the face of significant uncertainty regarding the interpretation and even the legality of the *FCC Intermodal Order*, the expenditure of limited resources is not justifiable.

Grant of a temporary suspension would avoid imposing a requirement that is unduly economically burdensome. As a small telephone company that qualifies for the Section 251(f)(2) suspension relief contemplated by Congress, each Petitioner has a limited customer base over which to spread its network costs. These costs are significant and, to a substantial degree, uncertain because of the vague directives for intermodal porting provided by the FCC. The decision to incur these costs becomes even more difficult to justify when weighed against the few, if any, public benefits that may be gained by attempting to implement the capability to port numbers to the wireless provider.

The issue of suspension is not a simple question of whether it is always in the public interest to require a competitive interconnection obligation irrespective of the impact in a rural

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<sup>14</sup> See 47 U.S.C. §251(f)(2)(A)(ii).



service area. Section 251(f)(2) exists because of Congressional recognition that balance of conflicting interests will be required in rural areas to ensure that universal service goals are fostered in the overall public interest. The very same need to balance competing interests was addressed previously by the FCC when it recognized that this requirement should not "burden rural LECs significantly without benefiting the public by increasing competition."<sup>15</sup> The Petitioners respectfully submit that the inquiry of a Section 251(f)(2) suspension proceeding goes beyond whether competition is fostered and requires consideration of whether any speculative benefits outweigh identified concerns and potential harm to the overall public interest.

The *FCC Intermodal Order* does not displace the need for this underlying policy consideration. Instead, the issuance of the FCC's *Order* underscores the need for the TRA to determine whether the economic burden and the potential adverse economic ramifications for rural telecommunications users is outweighed by any speculative competitive public interest benefits. The Petitioners respectfully urge that, at minimum, the TRA should first gain experience and insight into the effectiveness of intermodal portability in the more robust urban markets of the State before requiring the Petitioners to undertake the burden of portability deployment.

The economic burden of deployment of LNP in rural markets served by the Independents is significant.<sup>16</sup> Requiring an Independent to recover this substantial burden from its limited customer base, or to forego cost recovery altogether, is counterintuitive and contrary to the fundamental concept that the beneficiary of a service should bear the cost of the service. Unlike the more densely populated urban markets where the switch hardware and software upgrade

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<sup>15</sup> *Number Portability Reconsideration*, 12 FCC Rcd at 7298-99, 7301.

<sup>16</sup> As noted, in accordance with the procedural schedule established by the TRA, each Petitioner will provide individual company data.

costs can be amortized over a larger customer base, the switches of the Independents generally serve the less densely populated rural areas of the State. There are fewer customers per switch among which to amortize the costs of the upgrades or switch replacements. In the event an Independent deploys LNP and only a few customers decide to port their numbers in the rural market, the remaining customers bear the costs that were required for the benefit of very few. Alternatively, if a large number of rural customers elect to port their number, the few remaining customers are left to shoulder the cost recovery burden. Under either scenario, the beneficiaries or users of the porting capability bore none of the costs.

In addition, there exist unresolved questions regarding the financial responsibility for significant costs that will result from implementation of those aspects of the *FCC Intermodal Order* regarding the routing and rating of calls to ported numbers. The FCC Intermodal Order requires that "calls to the ported number will continue to be rated in the same fashion as they were prior to the port."<sup>17</sup> As discussed below, the *FCC Intermodal Order* does not address the network and operational realities regarding the networks of the Independents and the connectivity of wireless carriers to those networks.<sup>18</sup> With respect to the economic ramifications and concerns arising in the absence of stay, the Petitioners respectfully note that the FCC requirements may obligate the Independents to incur additional financial burden to transport calls to ported numbers to interconnection points beyond the network boundaries of the Independent.

As the TRA is aware, the local exchange transport capability of each Independent is confined by the physical limitations of its existing network. Under the *FCC Intermodal Order* directives, however, when a wireless carrier has not deployed facilities to meet a wireline carrier

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<sup>17</sup> *Order* at para. 28.

<sup>18</sup> See, Section IV, *infra*, addressing the technical infeasibility of these aspects of the FCC's requirements with respect to network operations in the areas served by the Petitioners.

at its service area boundary, the facilities of a third party must be utilized to transport calls to a number ported to the wireless carrier. No third party transport provider is likely to provide this transport service for free; additional costs will be incurred. The fact that there is no direction from the FCC regarding the recovery of these costs<sup>19</sup> further exacerbates the economic concerns of the Petitioners and, in fact, supports the request for suspension. These significant unresolved issues raise the specter that the associated costs of transport will ultimately be imposed on the Petitioners and their ratepayers, thereby adding to the concerns regarding the adverse impact and economic burden that will result in the absence of a grant of the requested suspension. To the extent such costs are incurred, rural Independent ratepayers are exposed to additional costs to benefit those few, if any customers, that would port their numbers to a wireless provider.

The Petitioners respectfully submit that the consideration of the overall public interest demands that the TRA give meaningful attention to the LNP cost burdens and cost recovery dilemma in the service areas of the Independents. The Independents respectfully urge the TRA to ensure that efforts to foster competition for the sake of competition are not undertaken to the detriment of universal service in the State's rural areas. The Petitioners and their rural customers will incur economic harm and undue burden if the Petitioners are required to expend significant resources to deploy LNP in the absence of thorough and meaningful consideration of a cost benefit analysis and appropriate cost recovery mechanisms that properly reflect the bearing of costs by those who benefit. Accordingly, the overall public interest will be served by grant of the requested suspension in accordance with Section 251(f)(2) of the Act.

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<sup>19</sup> See *FCC International Order* at paras. 39-40.

#### **IV. Provision of Intermodal Number Portability by the Petitioners is Not Technically Feasible.**

The provision of intermodal portability in accordance with the *FCC Intermodal Order* is not technically feasible in the areas served by the Independents. The Petitioners have previously addressed the lack of clarity, and associated technical infeasibility, regarding the compliance requirements related to the November 24, 2003, in Section II, *supra*. In addition to the infeasibility of the compliance deadlines, it is technically infeasible for the Petitioners to comply fully with the requirements of the FCC with respect to routing and rating of calls to ported numbers.

As the TRA is aware, the service and operational characteristics of the Independents are distinct from the larger carriers that predominantly serve the top 100 MSAs. It is these very differences that formed the foundation for the Congressional determination to provide the TRA with the opportunity to determine whether the deployment of number portability, or any Section 251(b) or (c) interconnection requirement, is in the *overall public interest* in the service areas of the Petitioners. Distinctions between the Independents and the larger carriers exist with respect to the network arrangements that are currently in place with wireless carriers. These distinctions render it technically infeasible for the Independents to comply generally with the rating and routing requirements established by the *FCC Intermodal Order*.

Specifically, the *Order* requires that

calls to the ported number will continue to be rated in the same fashion as they were prior to the port. As to the routing of calls to ported numbers, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center.<sup>20</sup>

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<sup>20</sup> *Id.* at para. 28.

The quote reflects an apparent assumption that the FCC has made that somehow a wireless carrier may have a right to "associate" a number with a rate center and thereby automatically ensure that calls to that number will be treated by an originating LEC as a "local exchange service" call. While the FCC's assumption may or may not be correct in the areas served by larger carriers that have deployed network facilities throughout a LATA or region, this assumption is most definitely not correct with respect to the Petitioners.

Neither interconnection between two carriers nor the establishment of an Extended Area Service (EAS) route between two carriers occurs automatically or by magic. Interconnection occurs within the framework of Section 251 of the Act and is initiated by a request of one carrier to another; interconnection is not a product of spontaneous generation. Similarly, the establishment of an EAS route does not occur in the absence of negotiation and agreement regarding the exchange of traffic between the two carriers.

Irrespective of the factual assumptions implicit in the *FCC Intermodal Order*, the fact is that if a call is ported to a wireless carrier that has no established interconnection arrangement with an Independent, the "calls to the ported number" cannot be rated "in the same fashion as they were prior to the port." In the absence of an established interconnection arrangement with a wireless carrier, calls from wireline carriers to the network of the wireless carrier are generally carried by the originating end user's choice of toll carrier or interexchange carrier.

Where the *Order* directs wireline carriers to route "calls to ported numbers . . . no different than if the wireless carrier had assigned the customer a new number rated to that rate center,"<sup>21</sup> the routing will be to the originating wireline customer's chosen toll or interexchange carrier in those instances where a wireless carrier has failed to establish an interconnection

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<sup>21</sup> *Id.* at para. 28.

arrangement with the wireline carrier pursuant to Section 251 of the Act. Under these circumstances, the Petitioners are unable to comply with the requirement of the *Order* to rate calls to the ported number "in the same fashion as they were prior to the port." The rating is performed by the originating customer's toll or interexchange service provider.

Petitioners are concerned by the *Order's* disregard for the specific operational and network characteristics of the factual realities regarding the existing exchange of traffic between the Independents and wireless carriers. Contrary to the FCC's apparent factual misunderstanding, the Independents, and other similarly situated carriers throughout the nation, do not provision local exchange services that involve transport responsibility or network functions beyond their own networks within their respective service areas. This fact is in stark contrast to the networks of the Bell Operating Companies ("BOCs"). Unlike the BOCs that transport traffic throughout a LATA over their established network facilities, the interconnection obligations and technical capabilities of the Independents are limited to their local exchange networks that are geographically limited by the bounds of their incumbent service territory. Telecommunications services provided to end users which involve transport responsibility to interconnection with the networks of other carriers at points beyond an Independent's service area network are provided by toll or interexchange carriers, and not by the Independent.<sup>22</sup>

The concerns presented by this set of circumstances reach beyond questions of technical feasibility. Existing technical limitations and the related issues regarding responsibility for call routing identified by the FCC, but left unresolved, raise concerns regarding potential resulting customer confusion and disappointment. Because these issues have not been addressed, the wireline to wireless porting of numbers in the Independent service areas will lead to non-

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<sup>22</sup> In accordance with the procedural schedule established in this proceeding, the Petitioners will provide pre-filed expert testimony further elaborating the factual support related to the issue of technical infeasibility.

completed calls and inevitably result in customer confusion and dissatisfaction with all carriers and federal and state regulators.<sup>23</sup> The industry, the TRA, and *most significantly the consumers* will be subjected to undue burdens while they struggle with the consequences of the implementation of the technical aspects and ramifications of the *Order* because these issues remain unaddressed by the FCC. The Petitioners respectfully submit that the FCC's technical requirements for intermodal portability are technically infeasible and, accordingly, grant of the requested suspension is warranted and in the public interest.

**V. The Public Interest will be Served by Grant of the Requested Suspension.**

As demonstrated above, implementation of the number portability required by the *FCC Intermodal Order* in the service areas of the Independents will: 1) result in significant economic harm for users of telecommunications services in general; 2) impose requirements that are unduly economically burdensome; and (3) impose requirements that are technically infeasible. In the absence of the requested suspension, the Petitioners will be subjected to technically infeasible compliance deadlines and possible enforcement actions. Petitioners will also be required to invest limited resources in otherwise unnecessary efforts to comply with technical aspects of the *FCC Intermodal Order* that disregard the operational realities of the interconnection arrangements that wireless carriers have generally established with the networks of the Independents. Under these circumstances, the Petitioners respectfully submit that it is entirely appropriate for the TRA to avail itself of the opportunity contemplated by Congress for the TRA to exercise its judgment in determining that the requested suspension is consistent with the public interest, convenience and necessity within the service areas of the Petitioners.

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<sup>23</sup> These concerns, in fact, reach beyond the issue of whether calls to ported numbers can be rated and routed as "local calls." The Petitioners respectfully submit that there is no certainty that when a customer ports a number to a wireless carrier, the customer will be able to receive e911 services to the same extent that this service is available to the customer at the location where the customer used the number when it was associated with wireline service.


The Petitioners respectfully submit that the interests of all parties will be better served by ensuring that the deployment of number portability in the rural areas of the State is suspended until it can be achieved in a thoughtful manner that does not harm consumers or disregard the very real operational and network issues that must be addressed prior to the implementation of porting. True consumer benefit from local number portability ("LNP") can be achieved only if the porting process will actually work in a manner that will meet consumer expectations and public safety needs. The implementation and network challenges associated with LNP in the rural areas served by the Independents is real and should be addressed in the public interest. Accordingly, grant of the requested suspension in the areas served by the Petitioners will serve the overall and balanced consideration of the public interest.

## **VI. Conclusion**

Consideration and grant of the requested suspension by the TRA is consistent with the rights and duties entrusted to it by Congress to ensure that the balanced and overall interests of the consumers located in the service areas of the Petitioners are served. Accordingly, and for the reasons set forth above, the Petitioners respectfully request that the TRA grant this Petition, and, pending resolution of the Petition, immediately suspend enforcement, as anticipated by Section 251(f)(2) of the Act, of requirements for the Independents to support intermodal porting in accordance with the guidelines established in the *FCC Intermodal Order*.



Respectfully Submitted,  
The Tennessee Coalition of  
Incumbent Rural Telephone  
Companies and Cooperatives

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## **Attachment A**

### **The Tennessee Coalition of Incumbent Rural Telephone Companies and Cooperatives**

Ardmore Telephone Company, Inc.  
Ben Lomand Rural Telephone Cooperative, Inc.  
Bledsoe Telephone Cooperative  
CenturyTel of Adamsville, Inc.  
CenturyTel of Claiborne, Inc.  
CenturyTel of Ooltewah-Collegedale, Inc.  
Crockett Telephone Company, Inc.  
DeKalb Telephone Cooperative, Inc.  
Highland Telephone Cooperative, Inc.  
Humphreys County Telephone Company  
Loretto Telephone Company, Inc.  
Millington Telephone Company  
North Central Telephone Cooperative, Inc.  
Peoples Telephone Company  
Tellico Telephone Company, Inc.  
Tennessee Telephone Company<sup>24</sup>  
Twin Lakes Telephone Cooperative Corporation  
United Telephone Company  
West Tennessee Telephone Company, Inc.  
Yorkville Telephone Cooperative

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<sup>24</sup> Tennessee Telephone Exchanges: Bruceton, Clifton, Collingwood, Cornersville, Darden, Decaturville, Linden, Lobelville, Parsons, Sardis, Scotts Hill, Waynesboro